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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 653/2015**

M/S CENTEXCEL PLASTICS PVT LTD Appellant

Represented by: **Mr.D.K.Rustagi, Advocate**
with **Mr.B.S.Bagga,**
Ms.Vasundhra Bhardwaj,
Advocates

versus

M/S B L KASHYAP & SONS LTD (BLK) Respondent

Represented by: **Mr.Abhimanyu Mahajan, Adv.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% 04.03.2016

CM No.28266/2015

For the reasons stated in the application 8 days delay in filing the appeal is condoned.

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1. Impugned order, though factually one but is conceptually two. IA No.19503/2014 under Order VII Rule 11 of the Code of Civil Procedure filed by the appellant praying that counter claim filed by the defendant be rejected as also IA No.16968/2011 filed by the appellant under Order XXXIX Rule 10 of the Code of Civil Procedure have been decided, declining relief prayed for.

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2. Thus, two independent appeals had to be filed against the impugned order, one concerning rejection of IA No.19503/2014 and other concerning rejection of IA No.16968/2011.
3. Permitting appellant to file a second appeal we have called upon learned counsel for the appellant to opt whether instant appeal lays a challenge to the rejection of IA No.19503/2014 or IA No.16968/2011. Learned counsel states that instant appeal be restricted to rejection of IA No. 16968/2011.
4. Noting as above, we permit the appellant to file an independent appeal against the impugned order concerning IA No.19503/2014.
5. As regards instant appeal being restricted to IA No.16968/2011, learned counsel for the appellant states that he does not wish to press the appeal which may be dismissed as withdrawn.
6. The appeal is dismissed as withdrawn.
7. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 04, 2016
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